

IN SENATE OF THE UNITED STATES,

FEBRUARY 22, 1824.

MR. BARTON, from the Committee on Public Lands, to whom was referred the petition of Andrew Henshaw, with the accompanying documents, have had the same under their consideration; and

REPORT:

That the petitioner claims of the United States \$930 82, for surveying performed by him, as a deputy of the late Thomas Freeman, Surveyor of the United States' lands south of Tennessee, as per his account No. 18. accompanying this report.

It appears, from the evidence before the committee, that the petitioner had been engaged as such deputy, for several years prior to the death of the said Freeman; and that, during that time, it was the prevailing practice of the surveyor's office, for the deputies to render to him their accounts against the United States, receipted by them, and to take the official certificate or due bill of the surveyor, for the amount, before the money was actually paid by him; and that such receipts were passed to his credit at the Treasury Department, on his accounts with the United States for moneys advanced to him as surveyor.

On the 20th September, 1821, the petitioner, by his agent, presented the receipted account, No. 18, dated September 3d, 1821, to the surveyor, and took the due bill which accompanies the petition.

The surveyor transmitted the account, so receipted, to the General Land Office, and, sometime in the fall of that year, died, considerably in arrears with the government, on account of moneys advanced to him as surveyor.

On the 20th November of that year, the petitioner, having heard of the surveyor's death, wrote to the Commissioner of the General Land Office, informing him that the official certificate of the surveyor for the amount of that account, was in the petitioner's hands unpaid. This letter was received at the Land Office on the 18th December of that year, and on the next day the amount of the petitioner's receipt was entered to the credit of the surveyor's account, as so much money disbursed by him, and payment to the petitioner has been refused at the Land Office.

Upon the foregoing facts, a majority of the committee are of the opinion, that the practice of giving receipts for moneys before they

were actually disbursed by the surveyor is unauthorized by law, and calculated to deceive the officers of the Treasury Department with respect to the faithful disbursement of the moneys advanced for the public surveying; and that the petitioner, having participated in that practice, by furnishing the surveyor with the voucher in question before the money was actually paid, has thereby discharged the United States from all claims for the services mentioned in his account, and given credit to the surveyor, individually, by accepting the due bill which he holds for the amount so placed to the credit of the surveyor.

They therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.